

UNITED STATES DISTRICT COURT

Southern

District of

New York

Picture Patents, LLC

V.

SUMMONS IN A CIVIL ACTION

Aeropostale, Inc.
Dick's Sporting Goods, Inc.
Bath & Body Works, LLC
The Charlotte Russe, Inc.
GSI Commerce Solutions, Inc.
National Basketball Association, Inc.
Major League Baseball Enterprises, Inc.
Linens 'n Things, Inc.
Tweeter Home Entertainment Group, Inc.
Buy.com, Inc.

CASE NUMBER: 07cv5567

TO: Tweeter Home Entertainment Group, Inc.
40 Pequot Way
Canton, MA 02021

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY

Thomas J. Parker
Alston & Bird LLP
90 Park Avenue
New York, NY 10016

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

Marcos Quintero

(By) DEPUTY CLERK

FEB 01 2008

DATE

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	
NAME OF SERVER <i>(PRINT)</i>	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<p><input type="radio"/> Served personally upon the defendant. Place where served:</p> <p><input type="radio"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.</p> <p style="padding-left: 40px;">Name of person with whom the summons and complaint were left:</p> <p><input type="radio"/> Returned unexecuted:</p> <p><input type="radio"/> Other (specify):</p>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p>		
Executed on		
Date	Signature of Server	
<div style="border-top: 1px solid black; margin-top: 10px;"></div> <p><i>Address of Server</i></p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.



DLS

Demovsky Lawyer Service

Premier Nationwide Document Retrieval
and Process Service Company

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
PICTURE PATENTS, LLC,

Plaintiff,

-against-

AEROPOSTALE, INC., et al.,

Defendants.
-----X

STATE OF MASSACHUSETTS)

S.S.:

COUNTY OF PLYMOUTH)

⁰⁷
Civil Case No. ~~97~~cv5567

AFFIDAVIT OF SERVICE

PETER C. MURPHY, being duly sworn, deposes and says that he is over the age of eighteen years, is an agent of the attorney service, D.L.S., Inc., and is not a party to this action.

That on the 7th day of February, 2008, at approximately the time of 9:25 AM, deponent served a true copy of the SUMMONS IN A CIVIL ACTION; FIRST AMENDED COMPLAINT; 3RD AMENDED INSTRUCTIONS FOR FILING AN ELECTRONIC CASE OR APPEAL; INDIVIDUAL PRACTICES OF JUDGE JOHN G. KOELTL; AND INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE HENRY PITMAN upon TWEETER HOME ENTERTAINMENT GROUP, INC. at 40 Pequot Way, Canton, MA, by personally delivering and leaving the same with BILL MORRISON who informed deponent that he holds the position of C.I.O. with that company and is authorized by law to receive service at that address.

BILL MORRISON is a white male, approximately 50 years of age, stands approximately 5 feet 8 inches tall, weighs approximately 190 pounds with brown hair and brown eyes.


PETER C. MURPHY

Sworn to before me this
22 day of February, 2008


NOTARY PUBLIC